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LOS ANGELES COUNTY COMMISSION FOR CHILDREN AND FAMILIES

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ADELINA SORKIN, LCSW/ACSW
DR. HARRIETTE WILLIAMS, CHAIR

APPROVED MINUTES

The General Meeting of the Commission for Children and Families was held on Monday, **May 17, 2004**, in room 140 of the Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles. **Please note that these minutes are intended as a summary and not as a verbatim transcription of events at this meeting.**

COMMISSIONERS PRESENT (Quorum Established)

Patricia Curry
Joyce Fahey
Phalen G. Hurewitz
Helen Kleinberg
Dr. La-Doris McClaney
Sandra Rudnick
Adelina Sorkin
Dr. Harriette Williams

COMMISSIONERS ABSENT (Excused/Unexcused)

Carol O. Biondi
Brenda Galloway
Daisy Ma
Christina S. Mattingly
Trinity Wallace-Ellis, Youth Representative

APPROVAL OF THE AGENDA

The agenda for the May 17, 2004, meeting was unanimously approved.

APPROVAL OF MINUTES

The minutes of the May 3, 2004, general meeting were unanimously approved.

CHAIR'S REPORT

- May is Foster Care Awareness Month; a press kit is available in the Commission office. Commissioner Curry was honored for her contributions by the Children's Law Center and recognized by the Board of Supervisors last week.
- The Education Summit was held last Friday, and Miriam Krinsky thanked Commissioner Kleinberg for her help in planning it. A high-turnout event, with a dynamic keynote speech by Congressman Adam Schiff, looked at the progress made on last year's summit's 50+ recommendations. Attendees also set some concrete priorities for the Education Coordinating Council, particularly on the need for training on the educational rights of youth in foster care. In a forum of foster youth, the Commission's Youth Representative, Trinity Wallace-Ellis, spoke passionately about the role of education and how its failure can have an impact on everything else in a youth's life. The Los Angeles Unified School District has established an office specifically for foster-youth issues and is close to issuing a bulletin with some very clear directives to individual schools.
- The Foster Kinship Conference will be held on June 2; Commissioners received flyers.
- Commissioner Williams attended a meeting at the Children's Court regarding use of parking fee revenue. She voiced the complaint from parents about the \$4 fee being charged for parking there. When parents cannot afford the fee, Judge Nash informed them that the children's attorneys could help out. Miriam Krinsky will find out if he meant that to happen through the parents' attorney or in some other way (attorneys often chip in out of their own pockets, but that is hardly a systemic response to the issue). CASA may also be able to assist with validations, though the fee must still be paid up front and then reimbursed.

Commissioner Kleinberg remembered the strong emphasis on affordability when the Children's Court was being built, so that the process of appearing in court would not become an economic burden to parents. Retired Supervisor Ed Edelman, for whom the court is named, has been adamant about parking fees not being used to clean the building. Parking spaces are very limited at the courthouse, and if ways exist to waive the fee so that parents who don't have the money may still park, those procedures need to be made clear to all involved.

Commissioner Curry recalled that the Commission sent a letter when the parking fee was increased to \$3, and it was agreed that another letter should be sent to whatever entity sets the fees.

While at the court, Chair Williams also met new CASA director Brian Borys whom she would like to invite to a future Commission meeting.

- A number of agencies have received funding to continue their programs at the courthouse, including Free Arts for Abused Children and Comfort for Court Kids. A newsletter and a parent orientation video are now in the courthouse.

DIRECTOR'S REPORT

- Interviews for the Emancipation Division chief are being scheduled this month, and it is expected that the position will be filled by early June. Dr. Sanders was not specifically aware of the number of applications received.
- Berisha Black is working with the department in developing a survey for children placed in group homes. The second draft, which will help identify critical areas for these youth, should be ready in a week or so. The survey is seen as a first step in gathering information and will be administered over a three-month period.

Commissioner Kleinberg expressed her hope that educational issues would be addressed by the survey instrument, and Dr. Sanders assured her that all foster youth feel that education is critical. In answer to a question from Commissioner Hurewitz regarding the confidentiality of survey information, Dr. Sanders said that the current plan is to administer the survey away from the group home setting—when youth come to court, at ILP classes, during meetings with their lawyers—to make respondents more comfortable with answering honestly. In the past, troubles with similar surveys have arisen because of fear of blanket retribution, which was in fact experienced. One survey, done by a former foster youth in conjunction with the Auditor-Controller's office, was successful because of personalized letters and in-person visits.

Survey administration is planned for the entire group home population—excluding those under the aegis of Probation—which amounts to approximately 10 percent (between 2,200 and 2,300 individuals) of the children in out-of-home care. Commissioner Sorkin asked if the survey results would perhaps affect the deliverables specified in the group home contract, thus leading to greater accountability. At present, Dr. Sanders explained, its purpose is to inform decision-makers—families, social workers, and others—and to ask some very concrete questions. A first draft of the survey was administered to 15 foster youth, and yielded some very different answers than anticipated; this second draft will not be the end.

Commissioner Kleinberg asked if this survey was part of the customer satisfaction emphasis throughout the county. Though the department's peer review process includes elements regarding the satisfaction of families, Dr. Sanders said, the group home survey was not designed within that context.

Commissioner Sorkin asked if the survey clarified how long the respondent had lived in group homes, and Dr. Sanders said it did not. Answers could vary widely between individuals a few months into their first group-home placement and those who have been there for years. Commissioner Kleinberg mentioned that it would be interesting to compare group-home survey data with that elicited from clients of foster family agencies, etc.

- As point-of-engagement training is taking place in the Compton and West Los Angeles offices, staff are finding challenges in building connections to community resources. The importance of SPA alignment has been highlighted by the process.

Commissioner Kleinberg asked how these and other initiatives mesh with the upcoming family preservation contract, which she understands is nearing completion. Dr. Sanders said that incorporating other pieces must be done, even if it delays the family preservation contract.

- Of the approximately 27,700 children currently in out-of-home placement, approximately 2,000 are placed in unrelated legal guardianships. Though the level of service offered to these families is not the same as that offered to adoptive families, for instance, there is an ongoing involvement in service planning and support. It struck Dr. Sanders as an anomaly that the cases are still part of the department's overall count, though court jurisdiction has been terminated.

NEW BUSINESS

AB 636 Outcomes and Accountability Update

Genie Chough, consultant to the department, presented information on the outcomes and accountability (O&A) system mandated by AB 636, the Child Welfare System Improvement and Accountability Act passed in 2001 by the California state legislature. She distributed a flow chart on the coordination of child welfare-related efforts and a matrix of specific indicators. The new system includes:

- Quarterly O&A reports to the state on Federal safety, permanency, and well-being outcomes, as well as state supplemental outcomes
- A self-assessment 'snapshot' of baseline county data (due to the state on June 30, 2004) conducted in partnership with public and private agencies, the courts, and the community; to be updated every three years
- Peer quality case reviews—12 cases per month, per SPA
- A system improvement plan (due September 30, 2004) that addresses issues identified in the self-assessment; to be updated annually

A final draft of the self-assessment—being written by a small contingent of the larger O&A group—will be presented to the Commission on June 21. During July and August, the larger group will meet around the system improvement plan and brief the Commission on September 6.

Commissioner Hurewitz asked how this effort would incorporate departmental efforts to come into compliance with Federal guidelines on adoption timing. CWS/CMS does not include all the information needed for adoptions, but those statistics are being tracked separately by departmental staff. Ms. Chough said that one or two measures deal with adoption, and she would get the specifics to the Commission. Dr. Sanders admitted that the self-assessment is meant to be an honest look at current practice, and will show that the department is generally unsuccessful in finalizing adoptions within the time set by the Federal government. There are, however, concrete plans for improvement.

Commissioner Sorkin asked if the percentage of reunified families was being tracked, and Dr. Sanders said that exit information in CWS/CMS captures that data. Approximately 4,600 to 4,700 families have been reunited over the past year. Commissioner Curry asked about tracking permanency, and Ms. Chough said that the focus was on a broader group. Emancipating foster youth is another area where data-gathering is not strong yet.

Commissioner Sorkin encouraged the group to review past documents, such as the PriceWaterhouseCoopers study and the 'red book,' or Strategic Plan 1, developed some years ago. Ms. Chough said that smaller subgroups are looking at historical knowledge with the particular help of Dr. Jacquelyn McCroskey.

Commissioners Kleinberg and Mattingly serve on the work group. Commissioner Kleinberg explained that, though the self-assessment process is mandated by the state, the work group wants it to be a useful and meaningful tool in the context of other initiatives currently in play. The first system improvement plan will not be exhaustive, but it should be very valuable. She invited Commissioners to workplan meetings.

In response to a question from Commissioner Fahey, Ms. Chough clarified that the peer review cases would be chosen from a random oversampling (24 cases to yield 12), equally divided among family maintenance, emergency response, etc. Data is tracked about re-abuse following family reunification, and the department was encouraged to look at re-abuse by category. One of the problems with CWS/CMS is that it does not track abuse by anyone other than the individual with whom the child is placed, so abuse by boyfriends or other members of the household is not entered.

AB 1913

Miriam Krinsky and Leslie Heimov of the Children's Law Center presented information on AB 1913, a bill moving through the legislature now that would make easier the emergency placement of children with safe and appropriate relatives, rather than with strangers. It would clarify the widespread confusion in California about the role of criminal-records checks in fulfilling the Adoption and Safe Families Act (ASFA) mandate that relative placements meet the same standards as other placements.

Current practice requires fingerprint clearances for emergency relative placements through LiveScan, which often takes time. AB 1913 would authorize the use of CLETS (the California Law Enforcement Telecommunication System) clearances, which accesses the same database as LiveScan but are immediately available by telephone. Concerns that the wrong person's information might pop up have been found to be groundless by the California Welfare Directors Association, which supports the bill. Though multiple individuals using the same name may appear on the report, enough other indicators always exist for the correct person to be identified. Under AB 1913, a fingerprint check would always be performed prior to final placement decisions, though children could be placed immediately on the strength of the telephone clearance.

Part of the reason LiveScan clearances take so long is the construction of the request form; items flagged as 'foster care' requires that the retrieved record be sanitized, which

takes time. Another designation allows the record to be unsanitized and available within three days. The Department of Justice is working to revise the form itself.

AB 1913 also addresses the county's case-by-case discretion to exclude certain criminal offenses in placement decisions, and adjusts other Welfare and Institutions Code language to allow earlier access to Federal funding.

Dr. Sanders applauded the legislation's policy direction in creating a larger capacity for emergency relative placement. Commissioner Curry, Commissioner Fahey, and Beverly Meunch from the Department have been involved in discussions around this bill, and the state Department of Social Services supports it. Congressional office staff will receive a briefing on this matter in June, with a push to strategize around changes on the Federal level. Commissioner Fahey said that issues of identity in criminal cases—when someone may deliberately give a false name and thus generate an inaccurate background check—do not apply in placement situations when relatives want to take children.

Commissioner Sorkin asked about the impact of a recent lawsuit claiming the department's lack of compliance with ASFA. As long as the department follows the standard, Dr. Sanders said, there would be no impact on the process. Because of the confusion in language, the use of CLETS clearances for emergency placements is arguably a 'different standard' for relative placements, even though other states do not use fingerprints.

Commissioner Sorkin then asked about the affect of Structured Decision Making (SDM) on risk and safety issues, and what shift it might make in the need for emergency placements. Dr. Sanders characterized SDM as a service strategy that may ultimately lead to more children with shorter stays. In the North Hollywood office, for instance, team decision-making reduced ten cases that would otherwise have gone to detention to only three.

AB 1913 is due for its second reading on the Assembly floor today, and will likely go to a third reading sometime next week. It has not been tagged as having fiscal implications, and no opposition to it has yet been voiced. The next step is the Senate Judiciary Committee. Since the Board of Supervisors has not yet taken a position on the legislation, the Commission cannot formally express support. **Commissioner Hurewitz moved that the Commission write a letter to the Board of Supervisors encouraging its support of AB 1913, and include a short analysis of the bill. Commissioner Fahey seconded the motion and it was unanimously approved.** Ms. Krinsky will assist with the analysis piece. Vicki Kozikoujekian, attorney for County Counsel requested that the Children's Law Center not comment on county liability in any materials it prepares for the Board which is under the purview of the Office of the County Counsel.

Regional Centers ARM Rate Letters

Cynthia Billey from The Alliance for Children's Rights, Karen Ullman from Public Counsel, and Katie Hornberger from Protection and Advocacy, Inc., presented information on the ARM-rate letter issue facing foster children with developmental disabilities.

Foster children who are Regional Center clients qualify for the Alternative Residential Model (ARM) rate when they are legally adopted. This rate—essentially equal to what it would cost to keep these children in a Community Care Licensing facility—is crucial to many foster parents' ability to adopt children with such extreme special needs. State law requires that the Regional Center write a letter stating that the child qualifies for such a rate; the Department of Children and Family Services then arranges for the rate to be paid under its Adoption Assistance Program.

Over the past six months, more and more of the 21 Regional Centers throughout California—possibly including some of the seven within Los Angeles County—have been refusing to write these letters. Reasons for this are unclear, since Regional Centers have no responsibility to pay the higher rate, but only to write a letter stating the appropriate ARM rate for the child. The state Department of Developmental Services funds Regional Centers, but the regulation is promulgated by the state Department of Social Services.

The situation is having a tremendous impact on foster families who may be willing to adopt these severely disabled children, but who rely on the higher rate. Instead of being adopted into a family with the stable caregivers they so desperately need, these children are remaining in group homes—where they receive an identical higher rate.

The Regional Centers' association has apparently written the Department of Developmental Services asking to be released from this responsibility, and admits no regulatory duty regarding these letters. Various justifications have been rumored, including overwork and the assertion that the Department of Social Services cannot mandate them to write the letters. Concerns about double-dipping parents adopting children to make money seem ludicrous, but this has also been heard.

Commissioner Curry recounted a long history of trouble with Regional Centers, and said that a roundtable discussion with them had been held two or three years ago; perhaps it's time to convene a similar conversation. Currently, Regional Centers are all private non-profit organizations that contract with the Department of Developmental Services to assess the level of care needed for each severely disabled child and to handle adoptions and placements. Should an appeal be made to the state to allow counties to contract with Regional Centers directly, as they do with group homes? Should legislation be proposed to ensure oversight within the county?

Commissioner Fahey suggested asking representatives from the Department of Developmental Services to appear before the Commission. Other members of the panel should be representatives of the state's Health and Human Services agency and the Director of the Department of Social Services. It was suggested that a joint meeting to strategize around these invitations be held with the three organizations presented today, departmental staff, and Commissioners.

PUBLIC COMMENT

No public comment was requested.

MEETING ADJOURNED